

Satellite Broadcast Participant Guide



Stay Informed

*Harassment in the Workplace
&
Alternative Dispute Resolution*

Satellite Broadcast
Bureau of Land Management
National Training Center
Phoenix, Arizona

July 13, 2006

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– Harassment in the Workplace – Alternative Dispute Resolution

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How to Interact with the Instructor

We encourage you to ask questions and share your concerns with the instructors throughout this course.

When you have a question, press the push-to-talk button and say “Excuse me, this is (state your first name) at (state your location).” Then release the push-to-talk button. This is important. Until you release the button, you will not be able to hear the instructor.

If you were physically in the classroom with the instructor, you would raise your hand to let them know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that “protocol” for asking questions or making comments.

There is also a “protocol” to follow with interactive courses to ensure you can easily ask questions and others can participate as well. It may seem a little strange at first, asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more interactive courses, you will soon be focusing only on the content of your questions and not the equipment you are using to ask it.

As part of the equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

The instructor will acknowledge you and ask for your question or comment. Stating your name and location helps other students who are participating at different locations to get to know their classmates.

The instructor may also call upon you to participate in a brainstorming session, role play, or other interactive class events. Respond to the instructor’s questions using the push to talk microphone.

Part 1

Harassment in the Workplace

Harassment in the Workplace – Presented by:
Bobbie Moore
EEO Director
Bureau of Land Management

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HARASSMENT ISSUES

What is Harassment?

- Any unwelcome _____ or _____ conduct.

What is Unwelcomeness?

- Harassment is unlawful only if the conduct is unwelcome and if the harassment is because of a person's protected status.
- If the protected employee did not solicit or invite the conduct and regards it as undesirable, it is considered unwelcome.
- The main piece of this is whether it is directly or indirectly communicated to the alleged harasser that, in fact, the conduct was unwelcome.

What are the Protected Bases?

- Everyone is covered by a protected basis.
- The protected bases:

What is Workplace Harassment?

- Workplace harassment is the combination of harassment actions that occur because of a person's _____.
- It can take place on the job or at activities related to the workplace.

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What is Prohibited?

- Conduct that alters the conditions of employment, such as:
 - Sexual advances, pressure for dates
 - Jokes, slurs, innuendos
 - Beatings, threats, inappropriate touching
 - Inappropriate gestures, pictures, graffiti, slang expressions

What is not Covered?

- Areas such as simple teasing, offhand _____, which are a _____ time reference.

Who is Involved in Workplace Harassment?

At least 2 people:

- The alleged victim (male or female)
- The alleged harasser (male or female)

- Alleged victim can be any employee and
- Alleged harasser can be a supervisor, co-worker or non-employee

The victim and the harasser can be from the same _____ basis.

Elements of Unlawful Workplace Harassment:

Four basic questions one must consider regarding a claim of unlawful harassment:

- Is the conduct _____?
- Is the conduct of the alleged harasser based on a **protected** _____?
- Does the conduct result in a “**tangible employment action**” or create a “**hostile work environment**”? and
- Is there a legal basis for holding the **employer liable**?

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Tangible Employment Actions:

Examples:

- Hire and/or Fire
- Promote or Fail to Promote
- _____
- Reassign
- _____
- Assign Work
- Change Benefits, Terms, Conditions

Tangible Employment Action:

Employer is always liable when:

- Harassment is by a _____.
- Harasser has authority to make decisions affecting the victim.
- Harasser has authority to direct victim's daily work activities.

Hostile Work Environment Harassment:

Anyone in the workplace might commit this type of harassment –

- a supervisor,
- co-worker, or non-employee.

For example, negative references to an employee's religious beliefs may be considered harassment whether voiced by a supervisory official responsible for evaluating the employee's performance or by a contractor who comes to the office to make repairs.

The person claiming hostile work environment harassment does not have to be the person at whom the offensive conduct is directed, but can be anyone affected by the conduct. An employee may be subjected to an atmosphere where a supervisor routinely makes derogatory and negative stereotypical remarks about another ethnic group. The fact that the comments are not directed towards the employee and he is not a member of that ethnic group does not alter the effect of the conduct on his work environment.

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Examples of actions that may create hostile work environment harassment include:

- Pressure for dates;
- Making offensive remarks about looks, clothing, or body parts;
- Touching in a way that may make an employee feel uncomfortable;
- Telling sexual jokes, hanging sexually suggestive posters, etc.;
- The use of racially derogatory words, phrases, or epithets;
- Demonstrations of a racial or ethnic nature, such as the use of gestures, pictures or drawings which would offend a particular racial or ethnic group;
- Comments about an individual's skin color or other racial/ethnic characteristics;
- Negative comments about an employee's religious beliefs;
- Negative remarks regarding an employee's birthplace or ancestry;
- Negative comments regarding an employee's age when referring to workers 40 and older; and
- Derogatory or intimidating references to an employee's mental or physical impairment.

Key Issues:

- Context, _____ and/or severity
- Must apply reasonable person standard

Tangible Effect on Victim's Job _____ Necessary
Severe Psychological Harm _____ Necessary

What to do if you are a Victim of Harassment:

- Remain cool and professional
- Be direct and candid, let your feelings be known to harasser
- _____
- Keep a record of dates, times, witnesses
- Talk to your supervisor or other representative
- Follow-up
- Inform the employer of desired remedy

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Harassment Affects the Workplace

Results in:

- High legal costs and fines
- Damaged organizational image
- _____
- Higher employee turnover
- Higher costs training new employees
- It's against the law!

Part 2

Alternative Dispute Resolution

Alternative Dispute Resolution – Presented by:
Bobbie Moore
EEO Director
Bureau of Land Management

ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution:

Alternative Dispute Resolution (ADR) is a Group Process that provides _____ ways to resolve disputes.

ADR uses a _____ person, who is _____ associated with the problem, to help the parties resolve the dispute.

ADR Continuum—Types of Dispute Resolution:

- * ONE-ON-ONE NEGOTIATION
- * FACILITATION/CONCILIATION
- * MEDIATION
- * FACT-FINDING
- * EARLY NEUTRAL EVALUATION
- * SETTLEMENT JUDGE
- * _____
- * ARBITRATION
- * ADMINISTRATIVE JUDGE OR BOARD
- * _____
- * VIOLENCE

ADR Continuum:

The ability of the disputing parties to control the decision DECREASES
and the ability of the neutral to control the decision INCREASES
as one PROGRESSES down the continuum toward more traditional forms of conflict resolution.

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Mediation:

- * Is one type of ADR.
- * It is a Process in which a Specially Trained, Neutral Third Party assists disputants to find a Mutually Acceptable Solution to their dispute—it is Informal, Voluntary and Confidential.
- * Emphasizes Problem Solving—not assessing blame or gearing up for litigation.

Mediation

- * Emphasizes Problem Solving
- * It can be used in Any Dispute which the parties believe using a neutral, third party might enhance the negotiation process.

The Mediator

- Exchanges information.
- _____
- Jointly considers various options for mutual gain.

Mediators

- Diffusing Hostility
- Inspiring Creative Solutions
- Using Listening Skills
- _____
- Opening Communication
- Finding Areas of Agreement
- _____
- Keeping Confidences
- Suspending Judgments

Time and Cost Effective

BLM needs to resolve these conflicts at the earliest possible stages.

Benefits of Mediation

- **Timeliness**

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Mediation cases are usually heard in a more expedited and informal manner. Problems dealt with early in the dispute are usually easier to resolve.

- **Affordability**

Mediation services are typically much _____ expensive than traditional litigation expenses. This is especially true if maximum use is made of internal mediation programs.

- **Convenience**

Mediation cases do not present the _____ problems that are found in traditional litigation oriented processes.

- **Understandability**

Mediators are trained to set the participants at ease, to explain the mediation process, and the participants' and the mediator's roles in the process.

- **Flexibility**

The parties participate and have flexibility in establishing the rules for the mediation.

- **Confidentiality**

Mediation sessions are generally held in _____; the parties need not publicly air their grievance or complaint. Also, the information shared is kept confidential. All the parties sign an agreement that outlines the confidentiality aspects of the mediation.

- **Effectiveness**

Government-wide, in a controlled dispute resolution situation, results in the parties reaching an _____. An agreement reached through mediation is as binding as any other type of agreement signed by the parties and the respective government agencies.

- **No Harm Done**

In the event an agreement cannot be reached by the parties, the matter simply goes back to the _____ dispute process where it left off prior to the mediation. In some instance, mediation can be used to resolve part of the dispute, or to clarify issues, so that the case which goes forward to litigation is more focused and uses fewer resources.

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- **Satisfaction**

Participants report a _____ degree of satisfaction with the mediation process. The parties maintain control over the outcome and decide themselves whether a matter will be settled.

- **Better Morale**

Morale is generally _____ because participants have the opportunity to productively explain how they view the situation, they are fully heard and listened to without interruption and they participate in crafting a solution to the problem. If these things occur, the mediation is not ultimately resolved at the mediation.

- **Relationships Repaired**

Often through the mediation process _____ problems and misperceptions affecting participants' relationships are disclosed and more openly discussed. This can lead to better future communications and understanding.

- **Control**

With ADR/Mediation, it is the parties who decide whether or not to resolve the case, and it is the parties who decide what that resolution will be. In litigation, the parties give up the control of the decision to the judge, who is frequently the individual who has spent the least amount of time on the problem.

Points of Contact for ADR

– Your Respective EEO Office

– Paul Politzer

• (202) 452-0349

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